IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 17727 of 2002

Between:

1 Noble Educational Society Rep.by its Secretary

Sri R.Rajeswar Reddy,S/o.Laxmikanth Reddy,

aged-45 years, Dilsukhnagar, Hyderabad.
2 Noble Junior College Rep.by its Secretary & Correspondent
Dilsukhnagar, Hyderabad.

... PETITIONERS

AND

1 The Govt.of A.P Rep.by its Secretary, Education Dept.,
A.P Hyderabad.
2 The Commissioner and Director of Intermediate
A.P Hyderabad.
3 The Special Officer, Noble Junior College
Dilsukhnagar, Hyderabad.
4 Sri Yella Reddy Government Junior College, Saroornagar,
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the respondent in not handling over of Noble Junior College to the 1st petitioner herein even after 02-03-2002 as illegal, arbitrary, violative of Articles 14,19 and 300 A of the Constitution of India (b) Declare that the action of the 2nd respondent in not acting atleast on the instructions of the Government issued by the Memo.No.4442/IE.II/2/202-1, Dt.12-4-2002 and arbitrary and violative of Article 14 of the Constitution of India. (c) Declare that the petitioners are entitled to be compensated by way of damages for illegally delaying the handling over of the college.

Counsel for the Petitioners : MR.M.SURENDER RAO

Counsel for the Respondents : GP FOR HIGHER EDUCATION

The Court made the following :

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O R D E R :

Noble Educational Society is running Noble Junior College at Hyderabad. By an order dated 16-3-1995 the second respondent appointed a Special Officer under Section 24(3) of the Andhra Pradesh Education Act,1982. The petitioner subsequently made representations to respondents 1 and 2 for handing over the building to the management. The Government, first respondent herein by Memo No.4442/IE.II/2/2002-1, dated 12-4-2002 directed the second respondent to issue necessary instructions to the authority concerned and initiate action in the matter. Therefore, the petitioner filed the present writ petition seeking a direction to the respondents to handover the buildings and furniture to the management of the petitioner society.

At the time of hearing, the learned Assistant Government Pleader for Higher Education submits that in 2002 the Noble Junior College was closed and that pursuant to the decree obtained by the landlady, the buildings where the Noble Junior College was being run was handed over to the landlady. The learned Assistant Government Pleader also submits that the teaching and non-teaching staff as well as the students of the petitioner College were adjusted in other colleges. In that view of the matter, in this writ petition, no relief can be granted to the petitioner as the cause of action does not survive.

The writ petition, is therefore, dismissed as infructuous. No costs.

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(V.V.S. RAO, J.)

15-09-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Education Dept., Government of A.P.,
A.P Hyderabad.
2 The Commissioner and Director of Intermediate,
A.P Hyderabad.
3 The Special Officer, Noble Junior College
Dilsukhnagar, Hyderabad.
4 Sri Yella Reddy Government Junior College, Saroornagar,
Hyderabad.

5. 2CCs to Government Pleader for Higher Education,

High Court of A.P., Hyderabad.(OUT)

6. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17727 of 2002

15-09-2004.

(Msr)